

**TOWN OF LYME
TOWN MEETING
MARCH 8, 2005**

The Moderator, William Waste called this meeting to order at 9:09 A.M. at the Lyme School Community Gymnasium. Polls were opened at 7:00 A.M. for voting on Articles 1-14 and closed at 7:00 P.M.

Moderator Waste opened this meeting with remembrance of all Lyme residents and friends who had died since the last town meeting in 2004. There was a moment of silence to honor the memory of Becky Franklin, the Selectmen's secretary and bookkeeper in Lyme for 30 years.

Pastor Edgar Condict, of the First Baptist Church in Lyme offered the invocation, and the Boy Scouts lead attendants in the Pledge of Allegiance.

The Moderator made general community announcements and established procedural guidelines for the meeting.

ARTICLE 1. To vote by non-partisan ballot for the following Town Officers:

- | | |
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| One Selectman to serve for a term of 3 years: | Richard G. Jones |
| One Overseer of Public Welfare to serve for
a term of 1 year: | Nancy Elizabeth Grandine |
| One Road Agent to serve for a term of 1 year: | Fred O. Stearns III |
| One Trustee of Trust Funds to serve for a term of 3 years: | Nora Rhoads |
| One Cemetery Commissioner to serve for a term of 3 years: | Jennifer Cooke |
| One Sexton to serve for a term of 1 year: | William H. LaBombard |
| Three Budget Committee Members to serve for a term of 3 years: | Dave Caffry
Gibb Cornwell
Wayne Tullar |
| One Budget Committee Member to serve for a term of 1 year: | Earl Strout |
| Three Library Trustees to serve for a term of 3 years: | Stephen Campbell
Margot Maddock
Tish Smith |
| One Planning Board Member to serve for a term of 3 years: | Jeanie McIntyre |

ARTICLE 2. Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

In Article II, provide a definition of "Building Envelope" as the area where structures may be placed on a lot. Building envelopes are usually delineated during a subdivision hearing, but may also be delineated during a ZBA hearing as well. (See Zoning 10.50 B.9) Amend "Developed Lot" to allow off-site water and sewer. Amend "Driveway" to clarify it can

serve two lots rather than two sites since a lot might have a principal house and an accessory house. Amend the definition of “Home Occupation” to clearly allow a sign as provided in Article VI. Amend “Lot Size” to simplify the language and clarify that a first-time minor subdivision is subject to Article V, but without the conservation district reductions of the lot size. Provide a definition of “Permit, Zoning or Building.” Amend “Structure” to clarify what is not included and to include storage tanks. Add map of community wells as an appendix because Section 5.13 D. 3. limits the distance of a septic system from a community well, but no map had been provided to know where they are located. Add Item II- Permits: to Floodplain Management Ordinance to state, “All proposed development in any special flood hazard areas shall require a permit.” This includes all “development” including grading as required by the State Floodplain Management program.

YES 127

NO 22

ARTICLE 3. Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Add the definition of “Parent Lot” which is the original lot 10 years prior to any application. Amend Section 4.64 Agricultural Soils Conservation District to provide that the potential development area can be 25% of the agricultural soils on the lot or, in the case of a subdivision, the parent lot in a contiguous compact shape.

YES 125

NO 26

ARTICLE 4. Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

The delineation of wetlands will change to use an existing NRCS (Natural Resources Conservation Commission) soil survey for hydric soils as a preliminary wetlands indicator or wetlands mapping by a wetlands scientist. The definition of wetlands will refer to the current State Wetlands Rules per State law.

YES 126

NO 24

ARTICLE 5. Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Outdoor Recreation will be changed from requiring a special exception to Outdoor Recreation Activities allowed by right. Amend “Recreation, Outdoor” to “Outdoor Recreation Activities” to clarify that recreation structures are subject to the ordinance as other structures and amend Table 4.1 to reflect this.

YES 189

NO 32

ARTICLE 6. Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Provide a definition of “Conversion.” Section 4.46 Conversions will be amended to address institutions and more clearly provide what is allowed per Table 4.10. It will also require a conditional use approval rather than special exception since Planning Board review is required anyway for Site Plan Review. Table 4.10 and relevant sections of Article IV. will be amended to reflect this change from special exception to conditional use approval. Section 11.40 will be deleted since there will no longer be dwelling unit minimum living areas.

YES 183

NO 34

ARTICLE 7. Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Section 4.49 Planned Development will be amended to require a “conditional use approval” by the Planning Board rather than a “special exception” by the ZBA and allow a conservation easement as well as a zoning easement in the last section. It will also allow the inclusion of institutional uses. Table 4.10 will also be amended to reflect this amendment. The definition of Planned Development is for mixed use in more than one building on a lot. Amend “Planned Development” to mean mixed use in more than one building on a lot.

YES 179

NO 34

ARTICLE 8. Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Section 4.50 Forestry and Timber Harvesting will be amended to clearly provide that logging roads must be constructed and maintained under Best Management Practices. It will also clarify that logging roads are exempt from the special exception requirement of access ways to cross conservation districts.

YES 196

NO 32

ARTICLE 9. Are you in favor of the adoption of Amendment #8 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Section 4.53 Driveways shall be amended to reference EPA (U.S. Environmental Protection Agency) standards for stormwater management and erosion control rather than a publication by the Rockingham County Conservation District. It shall be amended to only allow driveways in setbacks if suitable areas for snow storage are available.

YES 190

NO 33

ARTICLE 10. Are you in favor of the adoption of Amendment #9 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Section 4.61 Wetlands Conservation District will be amended to allow water storage structures within the district. The special exception for water bodies under one acre without Conservation Commission support has been removed.

YES 199

NO 32

ARTICLE 11. Are you in favor of the adoption of Amendment #10 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Section 4.63 Shoreland Conservation District to address changes in State dock application procedures.

YES 202

NO 29

ARTICLE 12. Are you in favor of the adoption of Amendment #11 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Article VI: Sign Regulations to allow greater sign area under Site Plan Review or by conditional use approval.

YES 185

NO 53

ARTICLE 13. Are you in favor of the adoption of Amendment #12 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Section 10.50 Special Exceptions to allow Conservation Commission input when a special exception includes impact upon natural resources.

YES 196

NO 38

ARTICLE 14. Are you in favor of the adoption of Amendment #13 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Provide a definition for "Conditional Use Approval" by the Planning Board. Add Section 12.20 to provide criteria for the proposed Conditional Use Approval. This permit will be issued by the Planning Board rather than a Special Exception by the ZBA typically when Planning Board review is required anyway. This proposed section is the same as section 10.50 for Special Exceptions. Table 4.10 Summary of Uses will be amended to require Conditional Use Approvals from the Planning Board rather than Special Exceptions from the ZBA. Both the ZBA and the Planning Board agree that this will be a positive step to cut down on the number of hearings since most of the uses require Planning Board approval under Site Plan Review. Special Exceptions from the ZBA will still be required for exceeding any dimensional requirement or encroachment into property setbacks or conservation districts.

YES 190

NO 33

ARTICLE 15. Paul Klee made the motion that the Town vote to raise and appropriate two hundred one thousand dollars (\$201,000) and make payment to the following Capital Reserve and Expendable Trust Funds previously established for the purposes set forth in the budget submitted by the Budget Committee as follows:

Capital Reserve Funds:

Vehicle Capital Reserve Fund	\$100,000
Heavy Equipment Capital Reserve Fund	\$25,000
Property Reappraisal Capital Reserve Fund	\$10,000
Public Works Facility Capital Reserve Fund	\$35,000
Computer System Upgrade Capital Reserve Fund	\$5,000
Fire Fighting Safety Equipment Capital Reserve Fund	\$11,000

Trust Funds:

Emergency Major Equipment Rebuilding Trust Fund	\$15,000
Total:	\$201,000

SECONDED

Barney Brannen, Chairman of the Budget Committee spoke to this article, providing an overview of all articles dealing with financial issues.

Article 15 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 16. George Palmer made the motion that the Town vote to raise and appropriate two hundred six thousand eight hundred dollars (\$206,800) and to fund this appropriation by authorizing the Selectmen, as agents for the Town, to withdraw and expend such funds from the Capital Reserve and Trust Funds for the purposes for which they were created as submitted by the Budget Committee as follows:

Machinery, Vehicles & Equipment:

Emergency Major Equipment Rebuilding Trust Fund	\$15,000
Vehicle Capital Reserve Fund (Fire Truck)	
1-Ton Highway Truck	\$55,000
Fire Truck	\$20,000
Bessie M. Hall Trust (Fire Department) (Fire Fighter Equipment)	\$1,500
Computer System Upgrade Capital Reserve Fund	\$6,300

Buildings:

Public Works Facility Capital Reserve Fund (Transfer Station)	25,000
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Improvements Other Than Buildings:

Emergency Highway Repair Capital Reserve Fund	\$74,000
Property Reappraisal Capital Reserve Fund	\$10,000
Total:	\$206,800

SECONDED

Dick Jones proposed a FRIENDLY AMENDMENT to increase the amount budgeted for the one-ton truck (\$55,000) to Sixty-five Thousand Dollars (\$65,000), bringing the bottom line voted on for this article to Two Hundred Sixteen Thousand Eight Hundred Dollars (\$216,800); an increase of Ten Thousand Dollars (\$10,000).

George Palmer, as maker of original motion for this article agreed to this FRIENDLY AMENDMENT.

Barbara Roby asked about the \$25,000 expense in this article referred to as Transfer Station and Selectmen Peter Bleyer explained this was to erect a pole barn and fencing for the Transfer Station.

Article 16 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 17. Steve Maddock made the motion that the Town vote to raise and appropriate thirty-five thousand dollars (\$35,000) to build a salt shed at the Public Works Facility, and to fund this appropriation by authorizing the Selectmen to withdraw \$13,167 from the Public Works Facility Capital Reserve Fund and to transfer \$21,833 from the undesignated fund balance (surplus).

SECONDED

Selectman Judy Brotman explained that it is hoped that the approval of this article will enable the “wrap-up” of this (highway facility improvement) project and Tony Ryan provided further in-depth detail about the new facility and its progress.

Article 17 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 18. Alida Ciampa made the motion that the Town vote raise and appropriate the sum of up to seven thousand three hundred dollars (\$7,300) to sponsor an Independence Day celebration, including but not limited to a parade, a picnic and fireworks and to fund this appropriation by authorizing withdrawal from the Independence Day Celebration Special Revenue Fund established for this purpose at the 2003 town meeting. This is a "special" warrant article pursuant to NH RA 32:3, VI.

SECONDED

Article 18 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 19. Lee Larson made the motion that the Town vote to establish an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the Town Buildings Major Maintenance and Repair Trust Fund, for the purpose of repairing any and all buildings and/or structures owned by the Town and to raise and appropriate the sum of \$5,000 to be deposited in that fund.

SECONDED

Article 19 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 20. Barney Brannen made the motion that the Town vote to raise and appropriate the sum of one million, seven hundred fourteen thousand, one hundred fifty-nine dollars (\$1,714,159) which represents the operating budget as recommended in the budget by the Budget Committee; the Selectmen recommend one million, seven hundred fourteen thousand, six hundred ninety-nine dollars (\$1,714,699). Said sum does **not** include special articles addressed in warrant articles 15, 16, 17, 18 and 19.

SECONDED

Dick Jones explained that the operating budget is \$50.00 less than the MS-7 form shows. The difference comes from the Perpetual Care line in the Cemetery Account, which appeared \$50.00 more than what was on the worksheet.

Lee Larson offered an amendment adding the following Article 20: “The amount listed in line 245, 4316 Street Lighting, only be appropriated if any replacement street lights are “dark sky friendly” or of a “full cutoff” design.”

AMENDMENT WAS SECONDED

Amendment was voted in the AFFIRMATIVE by Voice Vote

A lengthy discussion followed concerning the decision by the Selectmen to discontinue the use of certain streetlights in town vs. others.

Charles Balch expressed concern over the loss of street lights on Pleasant Street and asked that the Board of Selectmen consider replacing rather than discontinuing these lights for public safety.

The Moderator asked the Board of Selectmen if they would consider reviewing their decision of the choices of which lights were eliminated or not. Selectman Judy Brotman indicated that they would certainly listen to any concerns brought forth to them regarding this issue, but encouraged folks to perhaps wait until the new lights are operating to see if concerns are addressed at that point.

There were questions brought from the floor concerning site plan reviews (Planning Board regulations) and how street lighting is addressed in this process. Freda Swan responded, citing various instances where this is addressed.

Kathy Larson asked if the Planning Board could be directed to have a ruling which would enforce lighting plans to be “dark sky friendly.” Freda said she noted the request and will pass along message to the Planning Board.

Lee Larson offered an AMENDMENT to Article 20 to increase the line item by Seven Thousand Dollars (\$7,000.00) to Eleven Thousand Dollars (\$11,000.00) to enable the town to purchase rather than lease street lights, thereby significantly saving on the street lighting cost in the future.

SECONDED

Claudia Kern, speaking for the Energy Committee supported this amendment.

AMENDMENT was voted in the AFFIRMATIVE by Voice Vote

Jennifer Cooke said she felt that since street lighting was an important issue, both for personal and safety reasons, an effort for better communication and awareness could be made.

Barbara Roby asked what the “web page” was, and why that wasn’t used to help communicate about the lighting changes to the public. Selectmen Dick Jones indicated that the Web site is still under construction and experiencing growing pains, but that an effort had been made to communicate to those folks who might be affected by the loss of lights.

Article 20 was voted in the AFFIRMATIVE, as AMENDED by Voice Vote.

ARTICLE 21. Alfred Balch made the motion that the Town vote to discontinue the New Cemetery Fund created in 1967. Said funds, (\$10,461.97 as of 12/31/2004) with accumulated interest to date of withdrawal, are to be transferred to the town’s general fund.

SECONDED

Tish Smith asked what this fund had been used for in the past. Selectman Dick Jones explained that these funds are leftover from an earlier expansion of the Highland Cemetery.

Article 21 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 22. Tony Ryan made the motion that the Town vote to increase the elderly exemptions from property tax in the Town of Lyme, based on assessed value, for qualified taxpayers, to be as follows:

for a person 65 years of age up to 75 years,	\$135,000	(presently \$90,000);
for a person 75 years of age up to 80 years,	\$190,000	(presently \$125,000);
for a person 80 years of age or older,	\$240,000	(presently \$160,000).

In addition to other requirements, to qualify the taxpayer must have a net income of not more than \$30,000 if single, or, if married, a combined net income of not more than \$40,000; and own net assets not in excess of \$150,000, excluding the value of the person's residence.

Presently, the income limits are \$22,000 if single, or if married, a combined income of not more than \$33,000. Presently, the asset levels cannot be in excess of \$100,000.

SECONDED

Article 22 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 23. Ross McIntyre made the motion that the Town vote to modify the exemption for the disabled by:

- Increasing the amount of the exemption for the totally and permanently disabled to \$135,000 (presently \$90,000).
- Increasing the maximum net income if single, to the maximum net income if single, of \$30,000, or, if married, to not more than \$40,000 from a combined net income.
- Increasing the value amount of assets the taxpayer may own and still qualify for the exemption – the taxpayer may own assets not in excess of \$150,000, excluding the value of the person's residence.

Presently, the income limits are \$22,000 if single, or if married, a combined income of not more than \$33,000. Presently, the asset levels cannot be in excess of \$100,000.

SECONDED

Article 23 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 24. Elise Garrity made the motion that the Town vote pursuant to RSA 72:38-b to

- Increase the Exemption for Deaf or Severely Hearing Impaired Persons from the assessed value of residential real estate for property tax to \$135,000 (presently \$90,000).
- Increase the allowable net income the applicant can have received in the calendar year preceding April 1st to a net income from all sources to not

more than \$30,000 or, if married, a combined net income of not more than \$40,000.

- Increase the maximum allowable net assets the applicant can own up to \$150,000, excluding the value of the person's residence.

Presently, the income limits are \$22,000 if single, or if married, a combined income of not more than \$33,000. Presently, the asset levels can be up to \$100,000.

SECONDED

Article 24 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 25. Sue Ryan made the motion that the Town vote pursuant to RSA 72:37 to increase the exemption for the blind from the assessed value of residential real estate for property tax to \$67,500 (presently \$45,000).

SECONDED

Article 25 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 26. Marya Klee made the motion that the the Town vote to require residents to deposit refuse in specifically designated bags to be brought to the Transfer Station/Recycling Center; the bags shall be sold by the Town at a reasonable price.

SECONDED

Steve Maddock, as the Transfer Station Study Committee Chairperson spoke to this article indicating that this was "an effort to get a better handle on the Recycling Center".

Peter Bleyler, speaking as the Selectman's representative on the Transfer Station Study Committee indicated support of this article.

The Moderator indicated that a petition with the appropriate number of signatures attached had been presented requesting that this article be voted by paper ballot.

Tony Roisman made a motion to AMEND Article 26 by adding the following: " Establish a minimum number of free bags per person per year, the number to be set by the Transfer Committee".

AMENDMENT WAS SECONDED

Several people spoke concerning the pros and cons of making this change in procedure.

David Keane thanked the Study Committee for their work on the project and their efforts to lower overall costs for this service. A round of applause followed Mr. Keane's statement.

Further debate continued.

Lee Larson made the motion to CALL THE QUESTION, ending debate on this amendment.

Motion to end debate was voted in the AFFIRMATIVE by Voice Vote.

The AMENDMENT offered by Tony Roisman was Voted in the NEGATIVE by Voice Vote.

Following more debate on this issue, **Lee Larson made the motion to CALL THE QUESTION**, ending debate.

Motion to end debate was voted in the AFFIRMATIVE by Voice Vote.

Moderator instructed registered voters to proceed to Ballot Clerks for Paper Ballot vote on Article 26.

ARTICLE 26 was voted in the AFFIRMATIVE by Paper Ballot:

Yes 93 NO 52

ARTICLE 27. Put Blogett made the motion that the Town vote to henceforth place 50% instead of 100% of the revenues collected pursuant to RSA Chapter 79 (Land Use Change Tax) in the Conservation Fund pursuant to NH RSA 79:25.

SECONDED

Put Blodgett spoke against supporting this article.

Mike Smith spoke against the article.

Dick Jones as Selectman described the fund and the number of dollars realized from its establishment.

Earl Strout spoke about the funds from a Budget Committee point of view.

Julia Elder spoke about the funds and how they had benefitted the town, including the use to renovate and/or preserve historical buildings and sites.

The Moderator indicated that while a request for paper ballot had been made, this request had been recinded and there being no further discussion would proceed with voice vote.

Article 27 was voted in the NEGATIVE by Voice Vote.

ARTICLE 28. Franklin Gould made the motion that the Town vote to amend Article 15 of the Town Meeting dated March 11, 2003, by changing the membership of the Recreation Commission to be appointed by the Board of Selectmen pursuant to RSA 35-B:4 from a 9-member Commission to a 7-member Commission.

SECONDED

Article 28 voted in the AFFIRMATIVE by Voice Vote

ARTICLE 29. Denis Keleman made the motion that the Town vote to discontinue as a public highway the old portion of Baker Hill Road bounded by a

certain parcel of land now owned by Arthur E. Stout (known as Tax Map 409, Lot 45 or 216 Dorchester Road) (See Book 2924, Page 168 in the Grafton County Register of Deeds, dated November 14, 2003), a certain parcel of land now owned by Thomas L. Estes and Sarah M. Estes (known as Tax Map 409, Lot 52 or 12 Baker Hill Road) (See Book 1439, Page 592 in the Grafton County Register of Deeds, dated 1/25/1982), and a certain parcel of land now owned by Stuart Karon and Jodi Wenger (known as Tax Map 409, Lot 53.2 or 57 Baker Hill Road) (See Book 2612, Page 667 in the Grafton County Register of Deeds dated December 12, 2001), and relinquish all of the Town's right, title and interest therein. By way of explanation, this old portion of Baker Hill Road had a very sharp curve that the town bypassed a number of years ago, following a straighter course.

SECONDED

Questions directed to the Selectmen included what effect this action would have on abutters and one specifically who has a law suit pending against the Town. Dick Jones, speaking for the Selectmen indicated that as the suit was unresolved he was unable to comment about the issue, but felt that this action should have happened years ago after the town had rerouted the road in question and stopped maintaining the sharp curve that cause the difficulty.

A lengthy discussion took place with Faith Catlin asking how the issue came about and why this was recommended by the Board of Selectmen given that the request came as a result of the law suit. Specifically why were we trying to accommodate someone who was suing the town?

A Voice Vote was INCONCLUSIVE

Article 29 was voted in the NEGATIVE by a Show of Hands.

ARTICLE 30. Barbara Roby made the motion that the Town vote to authorize the Selectmen to convey a town-owned parcel of land with a building: Tax Map 407, Lot 121, also known as 110 Pinnacle Road (.57 Acres). This property was acquired by the Town by Tax Collector's deed dated 5/1/1995, recorded at Book 2140, Page 122. The property was formerly owned by Theodore Robert Poland whose deed is recorded in Book 1130, Page 267, of the Grafton County Register of Deeds and dated November 12, 1970. Pursuant to RSA 31:3, the transfer would be made upon such terms and conditions to be determined by the Selectmen. The authority shall remain in effect until rescinded by further vote of the Town.

SECONDED

Article 30 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 31. Carolyn Bardos made the motion that the Town vote to authorize the Lyme Fire Department to go to the aid of another city, town, village or fire district within or without the state, for the purpose of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested pursuant to NH RSA 154:24.

SECONDED

Article 31 was voted in the AFFIRMATIVE by Voice Vote

ARTICLE 32. Cynthia Bognolo made the motion to hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

SECONDED

Alfred Balch asked about pending lawsuits, which, because they are unresolved could not be discussed;

Town Clerk Patty Jenks indicated that the Marriage section of the Town Report has a full accounting of both 2003 and 2004 events, as the 2003 list was not complete in last year's report;

Cynthia Bognolo pointed out that there were handouts about the Transfer Station available; and

Lee Larson indicated handouts from the Conservation Commission.

Article 32 was Voted in the AFFIRMATIVE by Voice Vote

ARTICLE 33. Motion to Adjourn at 12:50 P.M.

SECONDED

Meeting adjourned at 12:50 P.M.

Respectfully Submitted,

Patricia G. Jenks
Town Clerk
Town of Lyme